

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY BUFORD,

Plaintiff,

v.

M.T.A. HAGGIE, et al.,

Defendants.

CV F- 02-5313 OWW DLB P

ORDER DENYING PLAINTIFF'S  
SECOND MOTION FOR ENTRY OF  
DEFAULT JUDGMENT  
[DOC 89]

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. section 1983. Pending before the Court is plaintiff's motion for entry of default judgment filed October 17, 2005.

On September 9, 2005, the Court granted defendants' request for an extension of time through October 6, 2005 to respond to the amended complaint. However, on September 22, 2005, plaintiff filed a motion for leave to file a supplemental complaint to which the Court ordered defendants to respond on September 29, 2005. Defendants filed an opposition to the motion on October 5, 2005 and also requested an extension of time to respond to the amended complaint. On October 7, 2005, the Court granted defendants' request and ordered defendants to respond to the amended complaint within 30 days of the Court's ruling on plaintiff's motion. The Court ruled on plaintiff's motion to file a supplemental complaint on November 15, 2005. In denying plaintiff's

1 motion, the Court granted plaintiff leave to file a second amended complaint and also relieved  
2 defendants of any obligation to file a responsive pleading until ordered to do so by the Court.

3 Accordingly, defendants are not in default and plaintiff's motion for entry of default is  
4 DENIED.

5 IT IS SO ORDERED.

6 **Dated: December 2, 2005**  
3c0hj8

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE